

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JIMMY LEE MEDINA,

Plaintiff,

vs.

ARRON GRAHAM, JIM
SALMONSEN, THOMAS WILSON,
CARRIE WALSTEAD, and CHRISTINE
SLAUGHTER,

Defendants.

CV-22-41-H-SEH

ORDER

The Complaint of Plaintiff, Jimmy Lee Medina (“Medina”), proceeding pro se and in forma pauperis, alleges violations of his constitutional rights.¹ It will be dismissed for failure to state a claim for federal relief.

STATEMENT OF THE CASE

Medina is a prisoner incarcerated at Crossroads Correctional Center, but the events complained of occurred at Montana State Prison (“MSP”). Defendant Arron Graham is a Sergeant at MSP. Defendants Jim Salmonsen and Thomas Wilson are both identified as Wardens at MSP.² Defendants Walstead and Slaughter are both

¹ Doc. 2.

² Doc. 2 at 3.

Disciplinary Hearings Officers at MSP.³ Medina alleges that Defendants prevented him from being released on parole by finding him guilty of various infractions in August of 2018 and on May 7, 2019, without allowing him to present evidence in his defense.⁴

28 U.S.C. §§ 1915, 1915A SCREENING

The Complaint has been liberally construed and reviewed to determine if it is frivolous or fails to state a claim upon which relief may be granted.⁵

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”⁶ The Complaint as pleaded is facially deficient.

No notice of deficiencies or opportunity for amendment is necessary as the pleading deficiencies cannot be cured.

ANALYSIS

The statute of limitations to a 42 U.S.C. § 1983 claim in Montana is three years and is applied by federal courts in Montana because § 1983 contains no

³ Doc. 2 at 3.

⁴ Doc. 2 at 5 - 8.

⁵ *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).

statute of limitations.⁶ Medina's claims arose more than three years his Complaint was filed on June 7, 2022. Thus all claims are barred by the statute of limitations.

ORDERED:

1. Plaintiff's case is DISMISSED for failure to state a federal claim.


Amendment would be futile.

3. The Clerk of Court is directed to enter judgment.⁷

4. The Court certifies that any appeal of this decision would not be taken in good faith.

5. Filing of this action counts as one strike against Medina under 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED this 3rd day of August, 2022.


Sam E. Haddon
United States District Court Judge

⁶ *Wilson v. Garcia*, 471 U.S. 261, 280 (1985); see also Mont. Code Ann. § 27-2-204(1).

⁷ F. R. Civ. P. Rule 58.